

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-mj-02070-Louis

UNITED STATES OF AMERICA

vs.

RODOLPHE JAAR,

Defendant.

_____ /

JOINT MOTION
REQUESTING A (THIRD) CONTINUANCE OF THE ARRAIGNMENT

NOW COMES the United States of America, by and through its undersigned attorney, and the Defendant, RODOLPHE JAAR, by and through his undersigned counsel, jointly respectfully requests, both to adjourn the preliminary hearing and/or arraignment in this case for thirty (30) days, and to order that all time from and including May 31, 2022, through June 30, 2022, shall be excluded in computing the time within which an information or indictment must be filed pursuant to 18 U.S.C. § 3161(h). The parties hereby stipulate and agree: (i) that good cause exists to adjourn the preliminary hearing and to extend the time to indict in this case; (ii) that the time period from and including May 31, 2022, through June 30, 2022, shall constitute excludable delay under the Speedy Trial Act; and (iii) that the delay is based on the interests of justice due to the unusual factual complexity of the case, the need for time for counsel for the defendant to review materials with the defendant, the need for time for effective preparation taking into account the exercise of due diligence, all of which are in the interests of justice and outweigh the best interests of the

public and the defendant in a speedy trial. *See* 18 U.S.C. §3161(h)(7). In support of this motion, the parties jointly state as follows:

1. This matter involves the investigation of the assassination of the former President of Haiti, Jovenel Moise. Pursuant to that investigation, the Defendant was charged via complaint with Providing Material Support Resulting in Death, in violation of Title 18, U.S.C., Section 2339A, and participating in a Conspiracy to Kill or Kidnap outside the United States, in violation of Title 18, U.S.C., Section 956(a)(1). Arraignment of the Defendant was originally set for February 25, 2022, and the Defendant requested (which request was unopposed by the government) a continuance of 60 days for arraignment. The defendant is next scheduled to appear in court on May 31, 2022.

2. The parties have been in regular communication since the Defendant's arrest and since the current defense counsel has begun representation of this Defendant. (The Defendant was previously represented by other counsel and the change in counsel was among the reasons for the first continuance.) The government has started the process of providing discovery to the Defendant and the request for a continuance will not cause any delays as to that process.

3. However, this case is complex (as was noted in a related case where a continuance of the calendar call and trial was also granted, *see United States v. Palacios*, 22 CR 20104-JEM) and both parties would benefit from the requested additional time. The Defendant would use the additional time to review the discovery, prepare his defense, and engage in plea negotiations with the government – which plea negotiations could be affected if the government were to quickly seek an indictment of the Defendant. The government too would benefit from additional time to

assure that it has been complete in its gathering of evidence and can accurately present the facts that will ultimately result in this Defendant's indictment.

4. Therefore, the parties jointly respectfully requests, a 30-day continuance of the preliminary hearing or arraignment, and submits that the Court should find that there is good cause to continue the arraignment and exclude time under the Speedy Trial Act, that such continuance does not constitute unnecessary delay and outweighs the Defendant's and the corresponding public's right to a speedy indictment.

5. Jaar hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment or information in this case for the time period specified in this motion. This waiver is made knowingly, intentionally, and voluntarily by the defendant; with full knowledge of the provisions of the Speedy Trial Act, 18 U.S.C. §3161 et seq.; and with the advice and consent of defense counsel.

6. Defense counsel Mr. Schwartz personally met with Jaar and had him execute the attached written waiver. A copy of Jaar's written waiver is attached hereto as Exhibit "A."

7. For these same reasons, the parties request that the preliminary hearing be adjourned for thirty (30) days.

WHEREFORE, the parties request an order providing that all time from and including May 31, 2022, through June 30, 2022, shall be excluded in computing the time within which an information or indictment must be filed pursuant to 18 U.S.C. § 3161(h), and that the preliminary hearing be adjourned for thirty (30) days.

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

BY: /s/
ANDREA GOLDBARG
ASSISTANT UNITED STATES ATTORNEY
Court ID No. A5502556
99 N. E. 4th Street
Miami, Florida 33132-2111
TEL (305) 961-9309
Andrea.Goldbarg@usdoj.gov

COUNSEL FOR RODOLPHE JAAR

BY: /s/ Frank Schwartz, Esq.
Frank Schwartz, Esquire
Bar No. 120250
FRANK SCHWARTZ, P.A.
100 Biscayne Blvd., Suite 1300
Miami, Florida 33132
TEL: (305) 379-5661
FAX: (305) 379-5687
frank@fschwartzlaw.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing document with the Clerk of the Court and served copies to defendant via ECF on May 23, 2022.

_____/s/_____
Andrea Goldbarg
Assistant United States Attorney